



Agenda Item Number: _____

BERNALILLO COUNTY BOARD OF COUNTY COMMISSIONERS

Meeting Date: August 22, 2006

Department: Zoning, Building, Planning **Staff Contact:** Adella Gallegos, Assoc. Program
Env. Health Department Planner

TITLE: APPEAL: Denial of a Special Use Permit for a Planned Development Area
(CSU-60006/CO-60010)

COUNTY PLANNING COMMISSION RECOMMENDATION:

DENIAL

SUMMARY:

At the June 7, 2006 public hearing, the County Planning Commission voted (7-0) to recommend denial of a Special Use Permit for a Planned Development Area on Tract A, Lands of Kenneth E. Jenson, located at 4101 Blake Road SW, zoned M-H, containing approximately 9.27 acres. The decision was based on four (4) Findings (Attachment 1).

On June 7, 2006 the County Planning Commission (CPC) determined that the applicant failed to demonstrate that the existing M-H zoning was inappropriate. In addition, the CPC found that the applicant failed to demonstrate the need to vary lot area or setback requirements due to unusual topography, lot configuration or site features as required in Section 18.B.23 (Special Use Permit Regulations-Planned Development Area) of the Zone Code.

The applicant's appeal application contends that changed community conditions exist as evidenced by the recent approval of an 86-lot planned development area within approximately 2000 feet of the site, the existence of numerous other higher intensity uses that go along with M-1 and C-1 zoning, and that this request is neither a spot zone nor a strip zone. He further contends that the need to vary is ... "Due to the dimensions of the property (its too narrow for two streets and three lots but too wide for one street with two lots."

The criteria for considering zone map changes and special use permit applications require that the applicant demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created, or (2) changed neighborhood or community conditions justify the land use change, or (3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other land use plan adopted by the Board of County Commissioners even though (1) or (2) do not apply.

ATTACHMENTS:

1. Appeal Application Dated June 23, 2006
2. County Planning Commission Notice of Decision Letter (June 9, 2006)
3. County Planning Commission Information Packet
4. County Planning Commission Minutes (June 7, 2006)
5. Site Plan Dated April 24, 2006 (Commissioners Only)

STAFF ANALYSIS SUMMARY**ZONING, BUILDING & PLANNING DEPARTMENT:**

Staff Recommends Approval

VERSION 4.0